

April 3, 1997

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON

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Seattle, Washington 98104
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REPORT AND DECISION ON APPLICATION FOR PRELIMINARY PLAT APPROVAL.

SUBJECT: Department of Development and Environmental Services File No. **L96P0020**
Proposed Ordinance No. **97-161**

CEDAR LANE
Preliminary Plat Application

Location: Generally located between 116th Avenue SE and
177th Place SE (if it were to be extended) on the
north side of SE 216th Street

Applicant: Jerry Prouty
19222 - 108th
Renton, WA 98055

Owner: Frank Crosby
1129 East Smith Road
Bellingham, WA 98226

SUMMARY OF RECOMMENDATIONS:

Division's Preliminary: Approve, subject to conditions
Division's Final: Approve, subject to conditions
Examiner: Approve, subject to conditions

PRELIMINARY MATTERS:

Application or petition submitted: October 8, 1996
Notice of complete application: October 8, 1996
Plat revision: February 28, 1997

EXAMINER PROCEEDINGS:

Hearing Opened: April 1, 1997, 9:15 a.m.
Hearing Closed: April 1, 1997, 9:30 a.m.

Participants at the proceedings and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Office of the King County Hearing Examiner.

ISSUES ADDRESSED:

- Drainage
- Wetlands

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Owner:	Frank Crosby 1129 East Smith Road Bellingham, WA 98226
Developer:	Jerry Prouty 19222 - 108th Renton, WA 98055
Engineer:	Jeff Potter Barghausen Engineering Consultants 18215 - 72nd Avenue South Kent, WA 98032 (206) 251-6222
STR:	9-22-05
Location:	Generally located between 116th Avenue SE and 177th Place SE (if it were to be extended) on the north side of SE 216th Street
Zoning:	R-8-P
Acreage:	3.09 acres
Number of Lots	14
Density:	4.5 units per acre
Typical Lot Size:	Ranges from 4,774 to 6,633 square feet
Proposed Use:	Single-Family Detached
Sewage Disposal:	Soos Creek Water & Sewer District
Water Supply:	Soos Creek Water & Sewer District
Fire District:	King County District #37
School District:	Kent School District #415
Complete Application	
Date:	October 8, 1996

2. Jerry Prouty (the "applicant"), represented by Barghausen Consulting Engineers, proposes to subdivide a 3.09-acre property into 14 single-family residential building lots, thereby creating a development density of 4.5 dwelling units per acre. The R-8 zoning which applies to this property allows the proposed density. The proposed plat drawing is attached to the Department of Development and Environmental Services (the "Department") Preliminary Report to the Examiner dated April 1, 1997 (Exhibit No. 2), and is also entered in this hearing record as Exhibit No. 7.
3. Although the application date was October 8, 1996, the applicant revised the proposed plat in order to *increase* the proposed number of lots from 13 to 14 on February 28, 1997. Therefore, it is debatable whether the statutory preliminary plat review time limit applies in this case. However, the applicant agrees to the extensions beyond the 120-day limit which have occurred and which remain to occur until Proposed Ordinance No. 97-161 is adopted.
4. The subject property drains toward Wetland No. 20, located one-half mile south. This wetland backs up into a County retention/detention facility and floods SE 233rd Drive. As a mitigating condition, the SEPA threshold determination requires that "stream protection standard" be applied to this development. The specific language is contained in Recommended Condition No. 20. The applicant does not object.
5. A small Class 3 wetland crosses three lots (proposed Lot Nos. 4, 5, and 6). The Department agrees to relocation of this wetland, subject to SAO requirements. The replacement area, or mitigation area, is added to another existing Class 3 wetland located in proposed Tract B. See Attachment 1 of Exhibit No. 2, or Exhibit No. 7.
6. No one appeared at the public hearing to express either opposition or concern regarding the proposed plat of Cedar Lane.
7. The Department recommends granting preliminary approval, subject to the 20 conditions of final plat approval contained on pages 7 through 12 of Exhibit No. 2. Copies of the Department's Preliminary Report will be attached to those copies of this Report which are forwarded to the County Council. The facts and analysis contained in the Department's Preliminary Report are accurate. The Department's Report is adopted and incorporated here by this reference.
8. The applicant accepts the Department's recommendation.
9. An Environmental Impact Statement is not required. See Section D of Exhibit No. 2 and the Department's Mitigated Determination of Non-Significance dated February 25, 1997 (Exhibit No. 5).

CONCLUSIONS:

1. If approved subject to the conditions recommended below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, Soos Creek Community Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.
2. If approved subject to the conditions recommended below, this proposed subdivision will make

appropriate provision for the public health, safety and general welfare and for open spaces, for drainage ways, streets, other public ways, transit stops, potable water supply, sanitary wastes, parks and recreations, playgrounds, schools and school grounds, and safe walking conditions for students who only walk to school; and it will serve the public use and interest.

3. The conditions for final plat approval recommended below are in the public interest and are reasonable requirements to mitigate the impacts of this development upon the environment.
4. The dedications of land or easements within and adjacent to the proposed plat, as recommended by the conditions for final plat approval or as shown on the proposed preliminary plat submitted by the applicant, are reasonably necessary as a direct result of the development of this proposed plat.

RECOMMENDATION:

GRANT preliminary approval to the proposed plat of CEDAR LANE, as described by Exhibit No. 7, subject to the 20 conditions of final plat approval contained in the Department's April 1, 1997 Preliminary Report to the Examiner (Exhibit No. 2).

ORDERED this 3rd day of April, 1997.

R. S. Titus, Deputy
King County Hearing Examiner

TRANSMITTED this 3rd day of April, 1997, to the following parties and interested persons:

Frank Crosby
Greg Haffner
Kathleen Katai
King Conservation District

Chris Langley/City of Kent Public Works
Jeff Potter/Barghaussen Consulting Engineers
Jerry Prouty
John L. Scott Land Department

Greg Borba, DDES/LUSD
Laura Casey, DDES/LUSD
Kim Claussen, DDES/LUSD
Marilyn Cox, DDES/LUSD
Rich Hudson, DDES/LUSD
Michaelene Manion, DDES/LUSD
Aileen McManus, DDES/LUSD

Paulette Norman, KC Dept. Transportation
Lisa Pringle, DDES/LUSD
Steve Townsend, DDES/LUSD
Larry West, DDES/LUSD
Caroline Whalen, King County Council
Bruce Whittaker, DDES/LUSD

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) **on or before April 17, 1997**. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council **on or before April 24, 1997**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, this decision of the Examiner shall be final and conclusive.

MINUTES OF THE APRIL 1, 1997 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L96P0020 - CEDAR LANE:

R.S. Titus was the Hearing Examiner in this matter. Participating in the hearing were Kim Claussen, Bruce Whittaker, and Jeff Potter.

The following exhibits were offered and entered into the record:

Exhibit No. 1	Department of Development and Environmental Services File No. L96P0020
Exhibit No. 2	Department of Development and Environmental Services Preliminary Report to the King County Hearing Examiner for the April 1, 1997 public hearing
Exhibit No. 3	Application, dated September 10, 1996
Exhibit No. 4	Environmental Checklist, dated September 10, 1996
Exhibit No. 5	Mitigated Determination of Non-Significance, dated February 25, 1997
Exhibit No. 6	Affidavit of Posting
Exhibit No. 7	Plat map revision, dated February 28, 1997
Exhibit No. 8	Land use map 614E & 615W
Exhibit No. 9	Assessor Maps NE & SE 8-22-5; NW & SW 9-22-5
Exhibit No. 10	Wetland Report by Terra Associates, dated May 30, 1996
Exhibit No. 11	Conceptual Mitigation Plan by Terra Associates, dated March 10, 1997
Exhibit No. 12	Conceptual Drainage Plan, by Barghausen Consulting Engineers, received February 28, 1997 (page 2 of Exhibit No. 7)
Exhibit No. 13	Level 1 Drainage Analysis, by Barghausen Consulting Engineers, dated May 29, 1996

RST:gb

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